

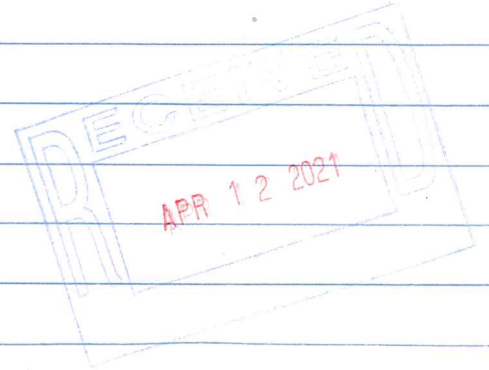
UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA  
(RESPONDENT)

CRIMINAL ACTION NO: 09-733-02

v.

DAVID COBB  
(DEFENDANT/PETITIONER)



MOTION FOR REDUCTION OF SENTENCE  
PURSUANT TO 18 USC § 3582(c)(1)(A)(I)  
AND RECONSIDERATION OF 18 USC § 3553(A)  
"SENTENCE DISPARITY - LESSER CULPABILITY -  
AND MITIGATING CIRCUMSTANCES"

NOW COMES DAVID COBB, pro se (hereinafter "Mr. Cobb" or "Petitioner"), in the above-captioned matter, and hereby humbly requests that this Honorable Court, grant this Petitioner a reduction in sentence in the interest of justice. As for reasons thereof, Mr. Cobb (Petitioner) states the following:

1. BACKGROUND

Petitioner is a federal inmate serving a sentence of 88 months under indictment for one count of conspiracy to distribute 500 grams or more of cocaine in violation of 21 USC § 841(a)(1) and (b)(1)(B); one count of possession with



intend to distribute 500 grams or more of cocaine in violation of 21 USC 841(a)(1) and (b)(1)(B); and aiding and abetting in violation of 18 USC § 846.

The indictment was returned by a Federal Grand Jury on April 29, 2010. Petitioner was arraigned and entered pleadings of not guilty through his attorney. Following a five-day trial, petitioner was convicted of being a party to a conspiracy with petitioner's brother, Jonathan Cobb. At sentencing, this Court fixed petitioner's guideline sentence range at 360 months to life. But the government interrupted with a motion asking the court to vary from the guideline. Stating:

"In this particular conspiracy case I would say his brother (Jonathan Cobb) is more culpable than David Cobb".

The court accepted the government's motion and sentenced petitioner to 288 months, 8 years supervised release, and a \$1500.00 fine.

Petitioner filed a direct appeal by counsel that was denied. Petitioner also filed a habeas corpus 2255 petition yet the motion was rejected as untimely by the court.

Ground 1. Sentence Disparity:  
Under Extraordinary and Compelling Reason."  
Petitioner's length of sentence is extraordinary and substantial. According to the First Step Act procedures and guidelines: If petitioner was sentenced today, petitioner would not have received this lengthy sentence.

Ground 2. Sentence Disparity:  
"For Lesser Culpability and Minor Role Participant"  
Petitioner states: During trial and at petitioner's



SENTENCING HEARING, your Honorable Courts determined that PETITIONER (DAVID COBB) WAS A MINOR ROLE PARTICIPANT to his brother and co-defendant's much more proprietary role in coordinating the effects to produce profits, AS TO AN OWNER. COURTS EXPLAINS ON PAGE 33 OF PETITIONER'S SENTENCING TRANSCRIPTS. THE COURTS":

WELL, WE'LL TAKE THAT INTO ACCOUNT, THE FACT THAT HE IS -- HE IS -- AT LEAST UNDER THE CIRCUMSTANCE OF THE OFFENSE, AND THAT WILL BE MY -- MY THINKING HAVING HEARD THE TESTIMONY AT TRIAL THAT JONATHAN WAS MORE OF THE COORDINATING FORCE AND MR. COBB WAS A MEMBER OF THE CONSPIRACY BUT AT A LESSER LEVEL OF CULPABILITY." COMPARING PETITIONER DAVID COBB'S ROLE TO THAT OF JONATHAN'S ROLE, IT IS CLEAR, BOTH BY THE SENTENCING COURT CONCLUSIONS, AND AS THE CASE IS EVIDENCED TO THE JURY: PETITIONER DAVID COBB WAS A MINOR ROLE PARTICIPANT.

SOME COURTS "ASSESSED" A DEFENDANT AGAINST A HYPOTHETICAL AVERAGE PARTICIPANT. (WRITING THAT A DEFENDANT MUST DEMONSTRATE THAT HE IS BOTH LESS CULPABLE THAN MOST OTHER PARTICIPANTS IN HIS CRIME AND ALSO LESS CULPABLE THAN THE MAJORITY OF THOSE WITHIN THE UNIVERSE OF PERSONS PARTICIPATING IN SIMILAR CRIMES)

### GROUND 3.

"COMPELLING REASONS UNDER 3553 FACTORS"

PETITIONER UNDERSTANDS WHILE REHABILITATION ALONE CANNOT CONSTITUTE AN EXTRAORDINARY AND COMPELLING REASON, HOWEVER IT IS "ONE OF THE FACTORS THAT CONSTITUTES REASONS FOR A REDUCTION IN SENTENCE. PETITIONER ALSO MAKES IT CLEAR THAT PETITIONER DOES NOT PRESENT A DANGER TO THE SAFETY OF ANY OTHER PERSON OR TO HIS COMMUNITY.

PETITIONER HAD NOT BEEN CONVICTED OF ANY CRIME OF VIOLENCE.



PETITIONER'S CONVICTION WAS FOR A CRIME INVOLVING LOW-LEVEL SALES OF NARCOTICS, AND MY LENGTHY SENTENCE WAS NOT BASED ON ANY WAY OF DANGEROUSNESS OF MY CRIMINAL CONDUCT OR THE NEED TO INCAPACITATE ME. INSTEAD MY LENGTHY SENTENCE WAS THE RESULT OF A SENTENCE ENHANCEMENT THAT THE GOVERNMENT INVOKED SOLELY BECAUSE PETITIONER PROCEEDED TO TRIAL.

PETITIONER HUMBLY REQUEST THAT YOUR HONORABLE COURT DETERMINE THAT PETITIONER IS NO LONGER A DANGER TO HIS COMMUNITY, AND BY DOING SO, PETITIONER HUMBLY REQUEST YOUR HONORABLE COURT TO ASSESS THE FACTORS OUTLINED IN 18 USC § 3553(a) THAT WILL DIRECT COURTS TO IMPOSE A PUNISHMENT THAT IS SUFFICIENT, BUT NOT GREATER THAN NECESSARY, TO ACHIEVE THE GOALS OF SENTENCING OR RESENTENCING.

SUCH FACTORS INCLUDE: (1) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE AND THE HISTORY AND CHARACTERISTICS OF THE DEFENDANT.

THE COURT DETERMINED AT PETITIONER'S SENTENCING HEARING THE FOLLOWING REASONINGS BEHIND ITS CONSIDERATION IN SENTENCING PETITIONER WHEN STATING IN PERTINENT PART:

"THE COURT":

"NOW, MR. COBB IS THE PRODUCT OF A HOME ENVIRONMENT AND A SOCIETY IN WHICH HE WAS - - HE DID NOT HAVE MANY OPPORTUNITIES, AND, OF COURSE, THAT DOES NOT GO BY WAY OF JUSTIFICATION FOR ANYTHING THAT HE HAS DONE, BUT IT GOES BY WAY OF EXPLANATION IN UNDERSTANDING THE CHARACTERISTICS OF THE DEFENDANT WHICH STANDS BEFORE THE COURT."

OTHER FACTORS INCLUDE: (2) THE NEED FOR THE SENTENCE S IMPOSED TO:

(A) REFLECT THE SERIOUSNESS OF THE OFFENSE, TO PROMOTE RESPECT FOR THE LAW, AND TO PROVIDE JUST PUNISHMENT FOR THE OFFENSE:



PETITIONER STATES: PETITIONER HAS BEEN INCARCERATED FOR APPROXIMATELY (12) TWELVE YEARS WITH MORE THAN HALF OF HIS SENTENCE COMPLETED. PETITIONER HAVE NO INTENT OF ANY FURTHER ILLEGAL OR CRIMINAL ACTIVITY. PETITIONER'S FAMILY HAS BEEN VERY SUPPORTIVE OF PETITIONER WHILE INCARCERATED, AND HAS ASSURED PETITIONER, HE WILL SUCCEED WITH FAMILY SUPPORT.

(B) TO AFFORD ADEQUATE DETTERENCE TO CRIMINAL CONDUCT:  
 PETITIONER STATES: THROUGH APPROXIMATELY (12) TWELVE YEARS OF BEING INCARCERATED, PETITIONER HAS DEMONSTRATED (CHANGE). ALTHOUGH APPROXIMATELY (12) TWELVE YEARS OF BEING INCARCERATED WITH DIFFERENT PERSONALITIES, SPECIAL NEEDS, AND CONTINUAL CRIMINAL ACTIVITIES FROM OTHERS, PETITIONER CLAIMS NO INSTITUTIONAL INFRACTIONS AND REMAINS A MODEL INMATE.

(C) TO PROTECT THE PUBLIC FROM FURTHER CRIMES OF THE DEFENDANT:  
 PETITIONER STATES: PETITIONER DOES NOT POSE A THREAT OF DANGER TO HIS COMMUNITY NOR SOCIETY, PETITIONER HAS BEEN REHABILITATED THROUGH WANTS OF CHANGE TO LIVE A NORMAL AND PRODUCTIVE LIFE OUTSIDE OF PRISON. PETITIONER WILL BE (50) FIFTY YEARS OLD IN A COUPLE OF MONTHS. PETITIONER IS AT THE AGE OF LEAST LIKELY TO REOFFEND AND RETURN TO INCARCERATION.

THE SENTENCING COMMISSION HAS FOUND THAT "AGE IS GENERALLY A STRONG FACTOR INFLUENCING THE LIKELIHOOD OF COMMITTING A CRIME," WITH "OLDER OFFENDERS.... SUBSTANTIALLY LESS LIKELY THAN YOUNGER OFFENDERS TO RECIDIVATE FOLLOWING RELEASE. U.S. SENTENCING COMMISSION THE EFFECTS OF AGING ON RECIDIVISM AMONG FEDERAL OFFENDERS.

PETITIONER COBB WILL BE (50) FIFTY YEARS OLD AND IS AT A AGE WHEN RECIDIVISM RATES DECLINE SUBSTANTIALLY.



D) To provide the defendant with needed educational or vocational training, medical care or other correctional treatment in the most effective manner:

Petitioner states: while incarcerated petitioner strived to better himself through extensive awareness training, drug course treatments, vocational training, as well as computer training, while attaining his forklifters license by OSHA. (obtainable for future release).

Petitioner has work in the Prison's UNICOR industry for (9) nine years earning over 14,000 hours of factory services and experience, with training in factory assembly, factory packing and shipping, while learning production in computer aided design (C.A.D.) Testing Lab Clerk, Banding Machine Operator, and Quality Assurance Inspector.

All that I have strived to learn will help me live a more productive and better life if given the opportunity...

Allenwood's UNICOR Prison Industries does have a record of my need to better myself in the field of Corporate Industries...  
"see exhibits"

### "IN CONCLUSION"

Such achievements prove that petitioner has worked extremely hard to engage in efforts to reform his mental foundations to transform his behavior over the time of his incarceration. As in petitioner's brother's circumstance, petitioner is not a further danger to the public. After review by the Court, petitioner states as a fact; when given the same latitude provided to Jonathan Cobb (co-defendant) petitioner qualifies for a reduction of sentence.

Petitioner fully understands that his brother (J. Cobb) and codefendant received (I.A.C.) ineffective assistance of



COUNSEL. PETITIONER FULLY UNDERSTANDS (I.A.C.) INEFFECTIVE ASSISTANCE OF COUNSEL DOES NOT APPLY IN MY SITUATION OR LITIGATION. HOWEVER PETITIONER HUMBLY STATES THAT THE 3553 FACTORS DID EXIST IN RESENTENCING OF MY BROTHER (J. COBB). PETITIONER HUMBLY PRAYS FOR THE SAME.

Sincerely Petitioner  
David Cobb

### AFFIDAVIT

I HEREBY CERTIFY THAT THE FOREGOING FACT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF UNDER PENALTY OF PERJURY AS PER 28 USC SECTION 1746

David Cobb  
David Cobb, PRO SE



ALFFW  
PAGE 001

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INMATE EDUCATION DATA  
TRANSCRIPT

\*

03-31-2021  
13:33:04REGISTER NO: 64303-066  
FORMAT.....: TRANSCRIPTNAME...: COBB  
RSP OF: ALF-ALLENWOOD LOW FCI

FUNC: PRT

## ----- EDUCATION INFORMATION -----

FACL	ASSIGNMENT	DESCRIPTION	START DATE/TIME	STOP DATE/TIME
ALF	ESL HAS	ENGLISH PROFICIENT	12-06-2010 0923	CURRENT
ALF	GED HAS	COMPLETED GED OR HS DIPLOMA	12-06-2010 1634	CURRENT

## ----- EDUCATION COURSES -----

SUB-FACL	DESCRIPTION	START DATE	STOP DATE	EVNT	AC	LV	HRS
ALF	RHU ACE CLIMATE CHANGE COURSE	03-18-2021	CURRENT				
ALF	SHU ATHLETES AND EFFICIENT	11-28-2020	03-20-2021	P	C	P	20
ALF	ASTHMA SHU	11-14-2020	03-20-2021	P	C	P	20
ALF	SHU ADVANCED NUTRITION & WM	10-03-2020	11-14-2020	P	C	P	20
ALF	HEALTH CARE ENVIRONMENTAL HTH	10-17-2020	11-14-2020	P	C	P	20
ALF	ASTHMA CLASS SHU	10-31-2020	11-14-2020	P	C	P	20
ALF	SHU CHALLENGES IN LIVING WELL	09-19-2020	10-10-2020	P	C	P	20
ALF	HEALTH PROMOTION	09-05-2020	10-10-2020	P	C	P	20
ALF	SHU INFECTIOUS & CHRONIC DIS	08-22-2020	10-10-2020	P	C	P	20
ALF	RHU ACE HISTORY MANIFEST DEST	09-10-2020	09-19-2020	P	C	P	3
ALF	RHU ACE MIND STRENGTH	09-10-2020	09-19-2020	P	C	P	3
ALF	RHU ACE INTRO TO OSHA	08-07-2020	09-08-2020	P	C	P	5
ALF	RHU EMAIL BASICS	07-27-2020	08-06-2020	P	C	P	3
ALF	RHU ASVAB CAREER EXPLORATION	07-27-2020	08-06-2020	P	C	P	3
ALF	RHU ACE GUIDE TO ONLINE SAFETY	07-14-2020	08-06-2020	P	C	P	3
ALF	RHU PASS THE US CITZNSHP TEST?	07-14-2020	08-06-2020	P	C	P	3
ALF	RHU START A SMALL BUSINESS	07-14-2020	08-06-2020	P	C	P	3
ALF	RHU HISPANIC AMERICANS	07-27-2020	08-06-2020	P	C	P	3
ALF	RHU AFRICAN AMERICAN HISTORY	06-19-2020	06-24-2020	P	C	P	3
ALF	RHU EXPLORING GEOMETRY	06-12-2020	06-16-2020	P	C	P	3
ALF	RHU EXPLORE ALGEBRA	06-12-2020	06-16-2020	P	C	P	3
ALF	RHU CHECKBOOK MATH	06-12-2020	06-16-2020	P	C	P	3
ALF	RHU BASICS OF BORROWING	05-22-2020	05-29-2020	P	C	P	3
ALF	RHU FACES OF AMERICAN REVOLUTN	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU WORLD WAR 1	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU WORLD WAR 2 ACE COURSE	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU OUR SOLAR SYSTEM	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU EARLY CIVILIZATIONS	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU EARLY NORTH AMERICA	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU EARTH SCIENCE ACE COURSE	05-22-2020	05-27-2020	P	C	P	3
ALF	RHU FAMOUS MALE SPORTS STARS	05-22-2020	05-27-2020	P	C	P	3
ALF	ACE FORKLIFT CERTIFICATION CLS	11-01-2018	12-21-2018	P	C	P	20
ALF	ACE PLANET EARTH COURSE	04-27-2017	06-29-2017	P	C	P	20
ALF	CROCHET	04-11-2017	04-20-2017	P	C	P	6
ALF	WELLNESS VIDEO CLASS	02-11-2015	04-01-2015	P	C	P	8
ALF	PLYOMETRIC	05-30-2013	07-25-2013	P	C	P	2
ALF	BASKETBALL OFFICIALS TRAINING	11-14-2012	11-21-2012	P	C	P	4
ALF	BEGINNERS SPINNING	09-12-2012	11-07-2012	P	C	P	4
ALF	UNICOR INDUSTRIES TRAIN CLASS	06-04-2012	06-15-2012	P	C	P	21
ALF	RPP(1)- AA / NA	03-07-2011	07-18-2011	P	C	P	15

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MORE PAGES TO FOLLOW . . .



ALFFW \* INMATE EDUCATION DATA \* 03-31-2021  
PAGE 002 OF 002 \* TRANSCRIPT \* 13:33:04

REGISTER NO: 64303-066 NAME...: COBB FUNC: PRT  
FORMAT.....: TRANSCRIPT RSP OF: ALF-ALLENWOOD LOW FCI

----- EDUCATION COURSES -----  
SUB-FACL DESCRIPTION START DATE STOP DATE EVNT AC LV HRS  
ALF OSHA SAFETY CLASS 08-03-2011 08-03-2011 P C P 10  
ALF RPP(6)- BRICK WALLS 08-04-2011 08-18-2011 P C P 8  
ALF RPP(6)- (30)HOUR DRG PGM 06-09-2011 07-31-2011 P C P 13  
ALF NATIONAL GEOGRAPHIC 3 04-05-2011 06-07-2011 P C P 20  
ALF RPP(6)- BREAKING BARRIERS 05-17-2011 06-07-2011 P C P 16

G0000 TRANSACTION SUCCESSFULLY COMPLETED



*Federal Correctional Complex  
LSCI Recreation Department  
Allentown, PA*

CERTIFICATE OF  
**COMPLETION**

This certificate is awarded to

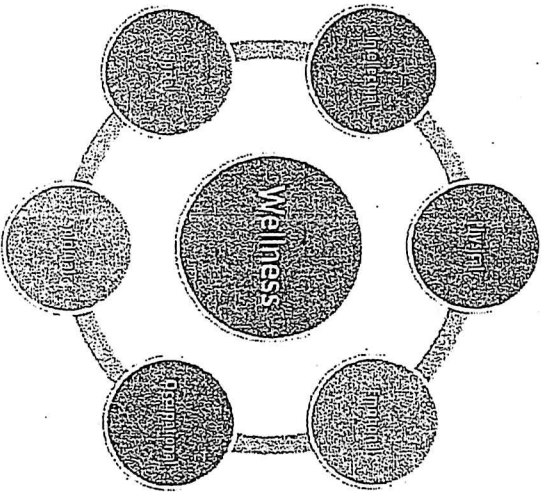
COBB, D.

for successfully completing


VIDEO WELLNESS

Consisting of 8 Hours of Training

  
D.J. Flick  
Recreation Specialist



Awarded  
APRIL 1, 2015

  
D. Kriebel, Assistant  
Supervisor of Recreation

This Certificate is awarded by Federal Prison Industries for on-the-job training to **DAVID COBB**. He has gained a total **12,569** hours of training in Executive Office Furniture and Chair Manufacturing at the Allenwood UNICOR Factory. His areas of training and instruction included Computer Numerical Control Machine (CNC) Operator, including 5-Axis Router and Thermood Operation, Quality Assurance Inspector, Industrial and Lab Clerk for UNICOR Product Support Center and Licensed Forklift Operator.

Mr. Cobb also assists in the training of new hires and development of new product lines and processes for the completion of testing and creation of those products. All of this is done while he assists in making sure that the factory is in compliance with federal regulations for worker and environmental safety, including record keeping and local guideline creation for them.

July 23, 2019

M. Sauder, Factory Foreman



# Training Certification

This is to certify that

*David Cobb*

has successfully completed the Quality Assurance Inspector Training Course at the LSCI Allenwood Dimension Mill. This training included 30 hours of classroom instruction in ISO 9000:2000 and Quality Management System requirements, Blueprint Reading, Item Standard Routing Comprehension, Job Packet Processing, Quality Inspection Standards, Quality Assurance Policies and Tool Usage as well as 96 hours of supervised on-the-job training in the above mentioned fields.

Certified July 17th 2012

  
C. Davis, Quality Manager



# CERTIFICATE OF COMPLETION

Awarded to

DAVID COBB

For successfully completing

Forklift Operations & Safety Training

November 27 through December 21, 2018

*Training was comprised of 15 hours of classroom instruction with a written examination and a driving familiarization session including a performance evaluation. All training was conducted in accordance with OSHA 29 CFR 1910.178 by a Lift, Inc. certified instructor.*

Evaluation Date: December 21, 2018

Evaluated by: R. George

Teacher, LSCI Allenwood, White Deer, PA





# Certificate of Achievement

This certifies that

DAVID COBB

has satisfactorily completed

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
GENERAL INDUSTRY SAFETY AND HEALTH  
OUTREACH TRAINING PROGRAM

Consisting of 10 Hours of Training

This certificate is hereby issued this 29 day of AUGUST, 20 11

INTRODUCTION TO OSHA  
PERSONAL PROTECTIVE EQUIPMENT  
HAZARD COMMUNICATION  
FLAMMABLE AND COMBUSTIBLE LIQUIDS

MEANS OF EGRESS AND FIRE PROTECTION

R. M. MUDGE

OCCUPATIONAL SAFETY &  
ENVIRONMENTAL HEALTH ADM.

MACHINE GUARDING  
ELECTRICAL AND LOCKOUT/TAGOUT  
WALKING AND WORKING SURFACES  
CONFINED SPACE PROCEDURES



L.S.C.I. Allenwood

# Certificate of Completion

presented to:

**David Cobb**

Has successfully completed 16 hours of  
**BREAKING BARRIERS WORKSHOP.**

The Allenwood Education Department

*White Deer, Pennsylvania*

Given this date: June 7, 2011



Assistant Supervisor of Education



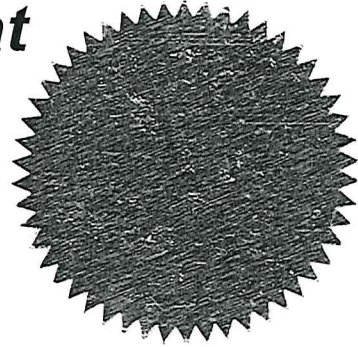
Coordinator



**Certificate of Achievement  
Psychology Department**

**This certifies that**

**David Cobb**



**has  
satisfactorily completed  
the**

**Drug Education Course**

**consisting of 15 hours of classroom**

**hereby issued the 26th of July, 2011**

**S.Eisner, Drug Treatment Specialist**

*S. Eisner, DTB*

**Date**

*7/26/2011*



DAVID Cobb - 64303-066  
Low security correctional  
Institution / ALLENwood  
PO Box ~~1000~~ 1000  
White DEER, PA. 17887



U.S.M.S.  
X-RAY

64303-066  
Clerk Of The Court  
601 Market ST - RM 2609  
Phila, PA 19106 - 1729  
United States



1000



19106

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AMOUNT  
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